

TITLE 8: DEVELOPMENT CODE
DIVISION 1: GENERAL PROVISIONS
CHAPTER 2: VIOLATIONS.

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81.0205 Penalty For Violations

Unless otherwise provided, any person, firm, partnership, corporation, or other entity violating any provision of this Title shall be guilty of an infraction or misdemeanor as hereinafter specified, and each day or portion thereof such violation is in existence shall be a new and separate offense. In addition, when one or more plants or trees are removed in violation of the provisions of this Title, the removal of each such separate plant or tree shall be a new and separate offense.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense. The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both. Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor. Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition, resulting from the violation. In addition to the above penalties the Court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party; the Court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0210 Enforcement.

(a) The provisions of this Title shall be enforced by the officers and authorized representatives of the County Agencies, Departments, and Offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Title. Among these, but not limited to, are the following designated enforcement officers for the provisions of Title 8:

- (1) Assistant Administrative Officer for Environmental Management Group.
- (2) County Director of Planning.
- (3) County Director of Building and Safety.
- (4) County Surveyor.
- (5) Director of Environmental Health Services Department.
- (6) Chief, County Fire Department.
- (7) Director of Transportation and Flood Control Department.
- (8) Director of Airports Department.
- (9) Chief Engineer of the San Bernardino County Flood Control District.
- (10) Director of Special Districts Department.
- (11) County Agricultural Commissioner.
- (12) Director of County Museums.
- (13) Chino Hills Manager.
- (14) Flood Plain Management Administrator.

(b) No person shall stop, impede, or interfere with any officer, employee, contractor or authorized representative of the County or with any person who owns or holds any estate or interest in any land which is subject to a review, study, or compliance inspection process under the provisions of this Title, or with any person to whom such land has been lawfully sold, whenever such officer, employee, contractor, or authorized representative of the County, or person having an interest or estate in such land or purchases, is engaged in the work of conducting a review, study, or compliance inspection process on any such land pursuant to the provisions of this Title or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this Title.

(c) Any person, firm, company, corporation or other entity violating the provisions of this Section shall be deemed guilty of a misdemeanor and upon arrest and conviction shall be punished by a fine not in excess of five hundred dollars (\$500) and imprisonment of not more than ninety (90) days or both.

(d) Whenever the County of San Bernardino institutes a judicial action or proceeding to enforce the land use district regulations of the Development Code, a County enforcement officer may file a Notice of Pendency of the action or proceeding with the County Recorder. The Notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of such notice as provided in this subsection, shall have the same effect as a notice recorded pursuant to Section 409 of the Code of Civil Procedure of the State of California.

(1) The County Recorder shall record and index the Notice of Pendency of action or proceeding in the Grantor/Grantee Index.

(2) Any Notice of Pendency of action or proceeding filed pursuant to this subsection may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending. A certified copy of the Order to Vacate may be recorded with the County Recorder, and upon such recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein. Such an Order to Vacate shall not be appealable, but the party aggrieved by such order may, within twenty (20) days after service of written notice of the order, or within such additional time not exceeding twenty (20) days as the court may, within the original twenty (20) days allow, but in no event later than sixty (60) days after entry of the order, petition the proper reviewing court to review such order by Writ of Mandate.

No such Order to Vacate shall be effective, nor shall it be recorded with the County Recorder, until the time within which a petition for the filing of a Writ of Mandate has expired, pursuant to this subsection.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3425 (1990); Amended Ordinance 3611 (1995);

81.0220 Acts Include Causing, Aiding and Abetting.

Whenever in the Development Code any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0225 Injunction.

Any building or structure erected or maintained, or any use of property contrary to the provisions of the Development Code or an adopted Specific Plan shall and is hereby declared to be unlawful and a public nuisance. Upon order of the County Planning Commission, Director of Planning, Director of Building and Safety, Director of Environmental Health Services, or other County enforcement officer, an action for injunctive relief shall be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such building, structure or use, and restrain and enjoin any person from erecting or maintaining such building or structure or using any property contrary to the provisions of the Development Code.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0230 Cumulative Remedies.

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0235 Statute of Limitations.

Any court action or proceeding to attack, review, set aside, void or annul any land use decision subject to court review (other than those described in Sections 65907 and 66499.37 of the California Government Code and Section 21167 of the California Public Resources Code) or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any conditions attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within thirty (30) days after the effective date of such decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)